

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> BRYAN A. MILLER, <div style="text-align: center;">Defendant.</div>))))))))))	8:04CR491 ORDER
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This matter is before the court on the motion for an extension of time by defendant Bryan A. Miller (Miller) (Filing No. 13). Miller seeks an extension of time until August 12, 2005, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 7). Defense counsel represents to the court that counsel for the government has no objection to the extension. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Miller's motion for an extension of time (Filing No. 13) is granted. Defendant Miller is given until **on or before August 12, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 7). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 8, 2005 and August 12, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 8th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge